

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32972 of 2013

Arising out of P.S. Case No. -264 Year- 2011 Thana -KADAMKUAN District- PATNA

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Prabhat Kumar @ Singh, s/o Prem Kumar Singh, resident of Mohalla Kazipur,
Road No. 2, Police Station-Kadamkuan, District- Patna.

.... Petitioner

Versus

1. The State of Bihar
2. Kumari Sushma, w/o Prabhat Kumar Singh, d/o Krishna Mohan, resident of East Lohanipur (Bhushan Gali, P.S.- Kadamkuan, P.O.- Kadamkuan, District- Patna.)

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Jai Prakash Sharma, Advocate.

For the State : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 09-01-2017

It has been submitted on behalf of the petitioner that both the parties have agreed for mutual divorce and a settlement has been arrived at for Rs.3,00,000/-. The petitioner was to pay an amount of Rs.1,50,000/- on the first day of motion and remaining 1,50,000/- was to be paid after decree of divorce.

The learned counsel for the opposite party No. 2 (wife) has stated that out of settled amount of Rs.3,00,000/-, till date only Rs.1,50,000/- has been paid to her and rest amount has not been paid by the petitioner.

From the impugned order, it appears that the bail bond of the petitioner was cancelled since he has stated in the court below that



he will not follow the order dated 26.3.2015 passed by a co-ordinate Bench of this Court. The learned Sub Divisional Judicial Magistrate, Patna, has mentioned in the impugned order that such stand of the petitioner is clear violation of order of the Hon'ble High Court and, accordingly, he has cancelled the bail bond of the petitioner and issued non-bailable warrant of arrest against the petitioner.

Considering the conduct of the petitioner and from perusal of the record, it appears that even after lapse of three years, he has not made payment of settled amount to the petitioner. He has also violated the order of Hon'ble Court dated 26.3.2015. This attitude of petitioner does not justify giving any further indulgence to him. He has made prayer before this Court to grant further time to make payment of remaining amount. It is not without saying that the petitioner may appear in the court below and make the payment of remaining amount at the earliest and in that event, the court below will be at liberty to proceed in the case to dispose of the same in accordance with law.

If the court below comes to a conclusion that matter has been settled and the entire dues amount has been paid to the opposite party No. 2, the court below will take steps to pass final order in the case as early as possible preferably within a period of six months from the date of final payment of the amount.



It is made clear that since the bail bond of the petitioner has already been cancelled by the impugned order in the court below, the court below will take appropriate steps in accordance with law for arrest of the petitioner, in the event the petitioner does not appear and make payment of the amount in the court below or the complainant makes grievance in the court below that petitioner is not ready for settlement and make final payment.

With the aforesaid observations, the application stands disposed off.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
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